

CLASSIFICATION OFFICE DECISION

Title of publication: 03cute.jpg

Other known title(s): Not stated

OFLC ref: 802184

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 21 April 2009

Date of direction to issue a label: No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file is objectionable because it promotes and supports the exploitation of children for sexual purposes.

The image depicts a semi-naked young Asian boy, posed for the camera with his genitals exposed. The purpose of the image is to sexually titillate or arouse people with a sexual interest in children. By presenting a sexualised image of a young boy, the computer image file promotes this sexual interest and encourages the exploitation of children.

The classification of this publication interferes with the freedom of expression as set out in the New Zealand Bill of Rights Act 1990, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) of the Films, Videos, and Publications Classification Act 1993 are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to limit the availability of publications that promote and support the exploitation of children for sexual purposes.